

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs December 11, 2009

GEORGE T. HAYNIE, JR. v. STATE OF TENNESSEE

**Appeal from the Tennessee Claims Commission
No. T20081263 Stephanie Reeves, Commissioner**

No. M2009-01340-COA-R3-CV - Filed February 2, 2010

Plaintiff, an inmate of the Tennessee Department of Correction, filed a claim for damages with the Division of Claims Administration alleging that he was arrested and unlawfully detained for weeks due to the erroneous actions of a state probation officer, who requested that a warrant for probation violation be issued against Plaintiff, and the judge of the criminal court who signed the warrant. He admits he was convicted of multiple felonies and sentenced to ten years; however, he contends he was not put on probation, and the State is liable pursuant to Tenn. Code Ann. § 9-8-307 for his arrest for an alleged probation violation. The Claims Commissioner dismissed the claim upon the State's Tenn. R. Civ. P. 12.02(6) motion upon findings that the claim did not constitute a cause of action for which relief could be granted against the State of Tennessee and the fact that the judge and probation officer had immunity for their actions. We affirm.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Tennessee Claims
Commission Affirmed**

FRANK G. CLEMENT, JR., J., delivered the opinion of the court, in which ANDY D. BENNETT and RICHARD H. DINKINS, JJ., joined.

George T. Haynie, Jr., Nashville, Tennessee, Pro Se.

Robert E. Cooper, Jr., Attorney General and Reporter; Michael Moore, Solicitor General; and Pamela S. Lorch, Senior Counsel, for the appellee, State of Tennessee.

OPINION

George T. Haynie, Jr., an inmate at the Charles Bass Correctional Complex, filed a claim for damages against the State of Tennessee with the Division of Claims Administration. He asserts in his claim that he was erroneously arrested on March 20, 2007

and detained until May 21, 2007, due to the actions of a state probation officer who requested the probation violation warrant against him and the criminal court judge who signed the warrant.

Mr. Haynie pled guilty to four Class D felonies on March 25, 1999, in cases No. 98-D-2722, 98-I-904, 99-I-122, and 99-I-191 in Division I of the Criminal Court for Davidson County, Tennessee. Two of the felony convictions were for theft of property over \$1,000, one was forgery over \$1,000, and one was for writing worthless checks over \$1,000. He was classified under the Sentence Reform Act of 1989 as a persistent offender (Range 3 at 45%) and sentenced to ten years, to serve one year, day for day, at 100%.

On March 12, 2007, Probation Officer Sposato signed and presented an Affidavit of Violation of Probation to the Judge of Division I of the Criminal Court for Davidson County, Judge Steve Dozier, in which she stated that Mr. Haynie had been arrested on January 27, 2005; July 14, 2006; October 18, 2006; August 6, 2001; and October 8, 2005, for various offenses including Unlawful Drug Paraphernalia, Violation of Open Container Laws, Theft of Property, Perjury, and Forgery. Judge Steve Dozier signed the warrant for violation of probation. Eight days later, on March 20, 2007, police officers of the City of Lebanon arrested Mr. Haynie. He was then transferred to the Davidson County jail and remained incarcerated pending a hearing on the probation violation warrant. On May 21, 2007 Mr. Haynie was released.

Mr. Haynie subsequently filed his claim in the Claims Commission, seeking damages from the State of Tennessee contending he was not on probation, and therefore, his arrest and incarceration for probation violation were not lawful. The State responded to his claim by filing a Rule 12.02(6), Tenn. R. Civ. P., Motion to Dismiss. The State contended the claim asserted by Mr. Haynie did not constitute a cause of action for which relief could be granted against the State of Tennessee. The Claims Commissioner found that Mr. Haynie's claim constituted a claim for wrongful incarceration/false imprisonment and that the Claims Commission did not have jurisdiction over such claims or any other claims alleging intentional torts, including claims for deprivation of civil rights, citing *Shell v. State*, 893 S.W.2d 416,421 (Tenn. 1995). The Claims Commissioner also found that to the extent the claim was based on negligent acts, the claim was barred based on the doctrine of quasi-judicial immunity, citing *Timson v. Wright*, 532 F.2d 552 (6th Cir. 1976). For these reasons the claim was dismissed. Mr. Haynie contends this was error.

ANALYSIS

A Rule 12 motion only challenges the legal sufficiency of the complaint; it does not challenge the strength of the plaintiff's proof. *Bell ex rel. Snyder v. Icard, Merrill, Cullis*,

Timm, Furen & Ginsburg, P.A., 986 S.W.2d 550, 554 (Tenn. 1999). In reviewing a motion to dismiss, the court must liberally construe the complaint, presuming all factual allegations to be true and giving the plaintiff the benefit of all reasonable inferences. *Trau-Med of Am., Inc. v. Allstate Ins. Co.*, 71 S.W.3d 691, 696-97 (Tenn. 2002); *Pursell v. First American National Bank*, 937 S.W.2d 838, 840 (Tenn. 1996). Thus, a claim should not be dismissed for failure to state a claim unless it appears that the plaintiff can prove no set of facts in support of his or her claim that would warrant relief. *See Doe v. Sundquist*, 2 S.W.3d 919, 922 (Tenn. 1999); *Fuerst v. Methodist Hospital South*, 566 S.W.2d 847, 848 (Tenn. 1978).

One prong of the State's Rule 12.02(6) motion to dismiss is that the Claims Commission does not have jurisdiction over Mr. Haynie's false imprisonment claims or any other claims alleging intentional torts. A review of Mr. Haynie's claim quickly reveals that he seeks monetary compensation from the State of Tennessee for what he alleges was false imprisonment.

As our Supreme Court explained in *Shell v. State*, 893 S.W.2d 416 (Tenn. 1995), the Claims Commission has limited jurisdiction, which the Tennessee General Assembly mandated when it enacted legislation in 1984 that waived the State's sovereign immunity under certain conditions. *Id.* at 420 (citing Acts of 1984, ch. 972, 1984 Tenn. Pub. Acts 1026 (now codified at Tenn.Code Ann. § 9-8-307)). The jurisdiction of the Claims Commission is specifically stated in Tenn. Code Ann. § 9-8-307(a). As the statute clearly provides, the General Assembly created the Tennessee Claims Commission to hear only certain claims against the State. Having examined the statutory jurisdiction of the Claims Commission, we agree with the finding of the Claims Commissioner that the Commission does not have jurisdiction over Mr. Haynie's claim of false imprisonment because that is an intentional tort, and the Claims Commission does not have subject matter jurisdiction over intentional acts of State employees. *Shell*, 893 S.W.2d at 420-21; *see also* Tenn. Code Ann. § 39-13-302 and § 9-8-307(d).

Another prong of the State's Motion to Dismiss was the defense of immunity, assuming Mr. Haynie's claim constitutes an assertion that the actions by the criminal court judge and probation officer constituted negligence. This State has recognized the general rule of judicial immunity since the decision in *Webb v. Fisher*, 72 S.W. 110 (Tenn. 1902). *See Heath v. Cornelius*, 511 S.W.2d 683 (Tenn. 1974). The State may raise judicial immunity as a bar to the State's liability in the Claims Commission for alleged negligent acts of a judge. *See* Tenn. Code Ann. § 9-8-307(d) ("The state may assert any and all defenses, including common law defenses, which would have been available to the officer or employee in an action against such an individual based upon the same occurrence. The state may assert any absolute common law immunities available to the officer or employee, . . .")

Judges are absolutely immune from monetary liability for decisions within the scope of their official functions, and the State is entitled to plead this defense pursuant to Tenn. Code Ann. § 9-8-307(d) in its capacity as employer.” *Cushion v. State*, No. 01A01-9903-BC-00174, 1999 WL 722634, at *3 (Tenn. Ct. App. Sept. 17, 1999) (perm. app. denied Feb. 28, 2000). Thus, “a civil action for damages will not lie against a judge of a court of general jurisdiction for his or her judicial acts if such acts were committed within the jurisdiction of his or her court.” *Heath*, 511 S.W.2d at 684; *see also Friedman v. Brown*, No. E2002-01615-COA-R3-CV, 2003 WL 21099235, at *1 (Tenn. Ct. App. May 14, 2003) (no Tenn. R. App. P. 11 application filed). As the State correctly asserted in its brief in this matter:

Judicial immunity is applicable when the judge acted in a judicial capacity and had jurisdiction to act. *See Mireles v. Waco*, 502 U.S. 9, 112 S. Ct. 286 (1991); *Stump v. Sparkman*, 435 U. S. 349, 98 S. Ct. 1099 (1978); *see also, Heath, supra; Friedman, supra*. In this case, Judge Dozier was performing his duties as a criminal court judge when he signed the probation violation warrants. Thus, Judge Dozier acted in a judicial capacity and had jurisdiction as a criminal judge to execute the warrants for Mr. Haynie’s arrest.

Accordingly, to the extent Mr. Haynie’s claim against the State is grounded on a claim of negligence on the part of Judge Dozier for signing the warrant, his claim is barred by the doctrine of judicial immunity. *See* Tenn. Code Ann. § 9-8-307(d) (“The state may assert any absolute common law immunities available to the officer or employee, . . .”).

We now turn our attention to Mr. Haynie’s claim as it pertains to the alleged negligence of the state probation officer. Judicial immunity has been extended beyond judges, to persons who are performing quasi-judicial functions. *See Miller v. Niblack*, 942 S.W.2d 533, 537 (Tenn. Ct. App. 1996); *see also Bryant-Bruce v. State*, No. M2002-03059-COA-R3-CV, 2005 WL 2384696, at *6 (Tenn. Ct. App. Sept. 27, 2005) (no Tenn. R. App. P. 11 application filed). As this court explained in *Bryant-Bruce*:

Over the years, a form of immunity similar to absolute judicial immunity has been extended to persons other than judges. The immunity, commonly referred to as quasi-judicial immunity, applies to persons who are not judges but whose functions are an integral part of or intimately related to the judicial process. These functions must be absolutely necessary to the proper functioning of the judicial process and immunity for persons performing these functions arises only when the danger that they will be distracted from the performance of their duties is very great.

Id. (internal citations omitted).¹

It is alleged by Mr. Haynie that Probation Officer Sposato signed an affidavit seeking to obtain the issuance of the probation violation warrants at issue. It cannot be disputed that Ms. Sposato's act of reporting probation violations, negligent or not, is part of her official duties – the judicial process of monitoring a convicted felon's compliance with the Court's orders. Ms. Sposato's function is essential to the judicial process. The doctrine of quasi-judicial immunity applies to a probation officer to the extent the function performed was judicial in nature. *See Miller*, 942 S.W.2d at 537; *see also Bryant-Bruce*, 2005 WL 2384696, at *6. Probation Officer Sposato's alleged negligent actions in this case occurred while she was performing a judicial function, seeking the issuance of a probation violation warrant for the reasons stated in the affidavit. Therefore, she has immunity in this case. Because Ms. Sposato has immunity from the claims asserted by Mr. Haynie, pursuant to Tenn. Code Ann. Section. 9-8-307(d), the State has immunity from Mr. Haynie's claims.

We, therefore, affirm the ruling of the Claims Commissioner in all respects. The judgment of the Claims Commissioner is affirmed, and this matter is remanded with costs of appeal assessed against the appellant, George T. Haynie, Jr.

FRANK G. CLEMENT, JR., JUDGE

¹The issue of whether quasi-judicial immunity extends to other persons whose functions are judicial in nature has been discussed at length by many courts, including the federal courts. *See Harlow v. Fitzgerald*, 457 U.S. 800, 810-11 (1982); *Butz v. Economou*, 438 U.S. 478, 513 (1978); *Imbler v. Pachtman*, 424 U.S. 409, 430-31 (1976). Federal officers other than judges, including hearing officers and administrative law judges, have been afforded quasi-judicial immunity. *Butz*, 438 U.S. at 513. The United States Supreme Court also extended the defense to state prosecutors and police officers, but the cloak of immunity only extends to functions performed by such persons which are judicial in nature. *Imbler*, 424 U.S. at 430-31.